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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,248	07/31/2001	John Holden Bickford	RSW920010143US1	2799

7590

08/05/2005

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EXAMINER

PYZOCHA, MICHAEL J

ART UNIT

PAPER NUMBER

2137

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/919,248	Applicant(s) BICKFORD ET AL.	
	Examiner Michael Pyzocha	Art Unit 2137	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER

PS

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's arguments have been fully considered but are not persuasive. Applicant argues: Fischer in view of Bando fails to teach or suggest reading from a memory an authentication key associated with the originator; including the authentication key in an open field of the electronic mail; and the authentication key associated with the originator is further associated with the recipient. Applicant further argues: Fischer and Bando in view of Davis fails to teach or suggest determining whether an authentication key is present in an open field of an electronic mail; and rejecting the electronic mail when the authentication key is not associated with the originator. Applicant also argues: Fischer, Bando, and Davis in view of MSA fail to teach or suggest determining whether an authentication key is expected to be present (as above); or teach or suggest reading a memory at an address that is dependent upon a source identifier that identifies the originator (specifically in the cited portions of MSA and Bando); and that the combined sources still do not teach or suggest rejecting the electronic mail. Applicant argues that Examiner made a statement without providing any analysis to connect the statement with the features of claim 14.

Regarding Applicant's argument that Fischer in view of Bando fails to teach or suggest reading from a memory an authentication key associated with the originator and including the authentication key in an open field of the electronic mail, Fischer teaches including authentication information in an open field of an electronic mail (as in paragraph 25) and Bando teaches reading and using a key to authenticate an electronic mail (column 5 line 54 through column 6 line 6). Therefore, in the combination, the authentication information of Fischer is the authentication key of Bando, which is associated with the originator because a public/private key pair is confidential to each individual. In response to Applicant's argument that the authentication key is not further associated with the recipient, the authentication information is associated with the vendor which receives the email in order to authenticate the originator (Fischer paragraph 25), so the authentication information is therefore associated with both the originator and the recipient (vendor).

Regarding Applicant's argument that Fischer and Bando in view of Davis fails to teach or suggest determining whether an authentication key is present in an open field of an electronic mail, Fischer in view of Bando teach sending an electronic mail with an authentication key in an open field (as described above) and Davis teaches determining if specific information is in the subject (column 11 lines 25-42 where the subject is an open field). When combined, the information included in the subject of Fischer Bando and Davis system is authentication information and therefore the modified Fischer, Bando, and Davis system would determine whether an authentication key is present. In response to Applicant's argument that the modified system fails to teach or suggest rejecting the electronic mail when the authentication key is not associated with the originator, if the key is not associated with the originator then the authentication would fail and in an authentication system (particularly those of Fischer and Bando) were to not reject emails that fail authentication there would be no point to include the authentication system.

Regarding Applicant's argument that Fischer, Bando, and Davis in view of MSA fail to teach or suggest determining whether an authentication key is expected to be present (as above); or teach or suggest reading a memory at an address that is dependent upon a source identifier that identifies the originator (specifically in the cited portions of MSA and Bando); and that the combined sources still do not teach or suggest rejecting the electronic mail, the steps of determining and rejecting have been discussed above with respect to the modified Fischer, Bando and Davis system. Regarding the argument that the modified system fails to teach or suggest reading a memory at an address that is dependent upon a source identifier that identifies the originator, MSA teaches storing the trusted server name in memory and every section of memory has an address and the trusted server name is a source identifier that identifies the originator. Therefore the memory being read is dependent upon a source identifier that identifies the originator. With respect to the arguments towards Bando not teaching reading a memory at an address that is dependent upon a source identifier, with similar logic as with MSA Bando teaches this limitation where the authentication key is the source identified that identifies the originator.

Regarding Applicant's arguments with respect to claim 14, Examiner relied upon the rejections of other claims because claim 14 is a combination of previously rejected claims 8 and 9, with the further limitation of "the electronic mail having been prepared...with a source identifier to a recipient with a destination identifier" where Examiner stated that every email has a source and destination identifier and relied upon RFC 822 only to further defend this position.

It is also noted that the amendments to claims 13 and 14 over come the rejections under 35 USC 112 second paragraph for lack of antecedent basis.